

Exhibit B

CAUSE NO. CC-16-03531-E

DANIEL HARGROVE,
Plaintiff,

VS.

**ERASMO OLIVAS AND POINT
DEDICATED SERVICES, LLC,**
Defendants.

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IN THE COUNTY COURT

AT LAW NO. 5

DALLAS COUNTY, TEXAS

INDEX OF STATE COURT FILE

TAB	FILED	DOCUMENT
A.		State Court File
1.	07/15/2016	Plaintiff's Original Petition
2.	07/15/2016	Letter to Court from Carl Weinkauff regarding filing Plaintiff's Original Petition and Texas Case Civil Information Sheet
3.	07/15/2016	Texas Civil Case Information Sheet
4.	07/21/2016	Issuance of Citation for Point Dedicated Services, LLC
5.	07/21/2016	Issuance of Citation for Erasmo Olivas
6.	07/22/2016	Letter from Judge Mark Greenberg regarding dismissal of case
7.	07/28/2016	Affidavit of Service for Erasmo Olivas through the Texas Transportation Commission
8.	08/10/2016	Officer's Return of Service indicating service of Defendant Point Dedicated Service, LLC on 08/09/16
9.	08/26/2016	Defendant's Erasmo Olivas and Point Dedicated Services, LLC's Answer and Requests for Disclosure
10.	08/26/2016	Defendant Erasmo Olivas and Point Dedicated Services, LLC's Request for Jury Trial

CAUSE NO. CC-16-03531-E

DANIEL HARGROVE,

PLAINTIFF

V.

ERASMO OLIVAS AND POINT DEDICATED
SERVICES, LLC,

DEFENDANTS

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IN THE COUNTY COURT AT LAW

OF DALLAS COUNTY, TEXAS

COURT AT LAW No. _____

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

Daniel Hargrove, ("Plaintiff"), files his Original Petition complaining of Defendants Erasmo Olivas ("Defendant Olivas") and Point Dedicated Services, LLC ("Defendant POINT"), (collectively "Defendants"), and for cause of action would respectfully show the Court as follows:

TEX. R. CIV. P. 190.3 Discovery Control Plan.

1. Discovery in this case will be conducted under Level 2, TEX. R. CIV. P. 190.3.

Parties and Venue.

2. Plaintiff is an individual resident of the State of Texas.
3. Defendant Olivas is an individual resident of the State of New Mexico, who was conducting business in Texas at the time Plaintiff's causes of action arose, and may be served with process by serving the chairman of the Texas Transportation Commission pursuant to Texas Civil Practice and Remedies Code §17.061 et. seq., at Tyron D. Lewis, Chairman, Texas Transportation Commission, 125 E. 11th Street, Austin, Texas 78701-2843. Upon receipt of the citation, the Chairman shall forward the citation by registered mail to Erasmo Olivas, 8620 Diamond Cir., Las

Cruces, New Mexico, 48043.

4. Defendant POINT is a Michigan limited liability company and may be served with citation in this lawsuit by delivery of same to its registered agent, H & H Terminals, LC, ATTN: Ruben Luera, 1731 Cherington, El Paso, Texas 79936.

5. Venue is predicated upon the Plaintiff's causes of action arising in Dallas County, Texas. As such, venue is proper in Dallas County, Texas.

Jurisdiction and TEX. R. CIV. P. 47 Requirements.

6. Plaintiff's causes of action against Defendants are based on Defendants' negligence being the proximate cause of a motor vehicle collision in which Plaintiff was injured. Damages sought herein exceed the minimum jurisdiction of this Court. Plaintiff seeks monetary relief over \$1,000,000.00. Plaintiff claims prejudgment interest on all damages awarded herein.

Facts.

7. On or about July 19, 2014, Plaintiff was driving his vehicle northbound on Interstate Highway 635 in Mesquite, Texas. At the point where Plaintiff was traveling, Interstate Highway 635 is a public roadway located within the city limits of Mesquite, Dallas County, Texas. At that same time, Defendant Olivas, in the course and scope of his employment with Defendant POINT and driving a tractor trailer rig owned and/or insured by Defendant POINT, was also traveling northbound on Interstate Highway 635 in the lane immediately to Plaintiff's left. Suddenly and without warning, Defendant Olivas made an unsafe lane change, moving the tractor trailer rig he was driving into the lane already occupied by Plaintiff's vehicle, and causing a collision with Plaintiff's vehicle that resulted in injuries to Plaintiff. Said collision and injuries were proximately caused by the negligence of Defendant Olivas and Defendant POINT, by and through its agent or servant, Defendant Olivas, in each and all of the following respects:

- A. Failure to keep a proper lookout;
- B. Failure to yield the right of way;
- C. Failure to obey traffic signs and pavement markings;
- D. Making an unsafe lane change;
- E. Failure to sufficiently or properly apply brakes;
- F. Failure to take proper evasive action to avoid a collision;
- G. Failure to drive in a single lane;
- H. Traveling at a speed in excess of that which was reasonably prudent given the local traffic conditions;
- I. Failure to maintain an assured clear distance between the vehicles; and
- J. Driver inattention,

all of which constitute violations of the laws of the State of Texas, including, but not limited to, TEX. TRANS. CODE ANN., Chapter 545, *et seq.*

8. Further, said accident and injuries were caused in whole or in part by the negligence of Defendant POINT in each of the following respects:

- A. Failure to ascertain whether Defendant Olivas was a competent, knowledgeable and/or qualified driver prior to entrusting the vehicle to him; and,
- B. Negligently entrusting the vehicle to Defendant Olivas.

Damages.

9. As a result of the foregoing negligent conduct, Plaintiff suffered bodily injuries. Some of these injuries may be permanent. As a further result of the nature and the consequences of these injuries, Plaintiff endured physical pain, mental anguish, physical impairment, loss of earning capacity, and loss of enjoyment of life, and, in all reasonable probability, will continue to suffer in

this manner in the future.

10. As a further result of the foregoing negligent conduct, Plaintiff received reasonable and necessary medical and health care treatment and attention for the injuries sustained and such treatment will continue into the future. Plaintiff has incurred reasonable and customary charges for said treatment and attention, and, in all probability, will incur additional expenses in the future.

Request for Disclosure.

11. In accordance with TEX. R. CIV. P. 194, Plaintiff makes this Request for Disclosure to Defendants. Specifically, Plaintiff requests that each of the Defendants disclose the following information or material:

- 194.2(a) The correct names of the parties to the lawsuit.
- 194.2(b) The name, address, and telephone number of any potential parties.
- 194.2(c) The legal theories and, in general, the factual bases of your claims or defense.
- 194.2(d) The amount and any method of calculating economic damages, or the amount and any method of calculating any reductions, payments, offsets, or credits that you are asserting against the economic damages being claimed by Plaintiff.
- 194.2(e) The name, address, and telephone number of persons having knowledge of relevant facts, and a brief statement of each identified person's connection with the case.
- 194.2(f) For any testifying expert:
 - 1) The expert's name, address, and telephone number;
 - 2) The subject matter on which the expert will testify;
 - 3) The general substance of the expert's mental impressions and opinions and a brief summary of the basis for them, or if the expert is not retained by, employed by, or otherwise subject to the control of the responding party, documents reflecting such information;
 - 4) If the expert is retained by you, employed by you, or otherwise subject to your control:
 - (A) All documents, tangible things, reports, models, or data compilations that have been provided to, reviewed by, or prepared by or for the expert in anticipation of the expert's testimony; and
 - (B) The expert's current resume and bibliography.
- 194.2(g) Any indemnity and insuring agreements described in Rule 192.3(f).

- 194.2(h) Any settlement agreements described in Rule 192.3(g).
- 194.2(i) Any witness statements described in Rule 192.3(h).
- 194.2(j) If this suit alleges physical or mental injury and damages from the occurrence that is the subject of the case, all medical records and bills that are reasonably related to the injuries or damages asserted or, in lieu thereof, an authorization permitting the disclosure of such medical records and bills.
- 194.2(k) If this suit alleges physical or mental injury and damages from the occurrence that is the subject of the case, all medical records and bills obtained by you by virtue of an authorization furnished by Plaintiff.
- 194.2(l) If this suit alleges physical or mental injury and damages from the occurrence that is the subject of the case, the name, address, and telephone number of any person who may be designated as a responsible third party.

Pursuant to TEX. R. CIV. P. 194.4, copies of documents and other tangible items ordinarily must be served with the response. If the responsive documents are voluminous, Defendants' respective responses must state a reasonable time and place for the production of documents, and Defendants must produce the documents at the time and place stated, unless otherwise agreed by the parties or ordered by the court, and must provide the requesting party a reasonable opportunity to inspect them.

Defendant Olivas and Defendant POINT's attention is directed to TEX. R. CIV. P. 194 for additional information concerning this Request for Disclosure. Specifically, no objection or assertion of work product is permitted to a request served pursuant to TEX. R. CIV. P. 194.

Prayer.

WHEREFORE premises considered, Plaintiff prays that the Defendants be duly cited to appear and answer herein and that upon final trial hereof, Plaintiff recover judgment against Defendants, jointly and severally, for Plaintiff's actual damages as set forth herein; prejudgment and post-judgment interest; costs of court; and such other and further relief to which Plaintiff may show herself justly entitled, either at law or in equity.

Respectfully submitted,

CARL WEINKAUF & ASSOCIATES

ATTORNEYS & COUNSELORS

4303 N. CENTRAL EXPRESSWAY

DALLAS, TEXAS 75205

TELEPHONE: (214) 368-6005

TELECOPIER: (214) 696-0867

carl@getcarl.com

By: 

Carl Weinkauf

State Bar No. 21095100



CARL WEINKAUF
& ASSOCIATES
ATTORNEYS & COUNSELORS

15 July 2016

Via Electronic Filing

CC-16-03531-E

Mr. John F. Warren
Dallas County Clerk
George L. Allen, Sr. Courts Building
600 Commerce Street
Dallas, Texas 75202

Re: *Daniel Hargrove v. Erasmo Olivas and Point Dedicated Services, LLC*, in
the County Court at Law of Dallas County, Texas

Dear Mr. Warren:

I am enclosing the original of the following documents to be filed in the above-captioned cause:

- (1) Texas Civil Case Information Sheet; and
- (2) Plaintiff's Original Petition

PLEASE NOTE ON THE CITATIONS TO THE DEFENDANTS THAT PLAINTIFF'S REQUEST FOR DISCLOSURE is being served on Defendants in addition to the Original Petition.

Please file the original with the papers of the Court and file-stamp the copies. Funds adequate to cover the cost of filing suit and issuance of two (2) citation(s) are being provided through the e-filing process. We will be serving the citation with our own process service. Please return the file-stamped copy of the petition, our receipts and the citations to me at the address listed below.

Thank you for your consideration and assistance in this matter. Should you have any questions, please do not hesitate to call me. You can reach me directly at (214) 534-9325.

Sincerely,

Carl Weinkauff
carl@getcarl.com

CW/mh
Enclosures

cc: Tommy Summers, Jr. w/encl. – via facsimile no. (800) 833-1851

CIVIL CASE INFORMATION SHEET

CAUSE NUMBER (FOR CLERK USE ONLY): CC-16-03531-E

COURT (FOR CLERK USE ONLY):

STYLED DANIEL HARGROVE v. ERASMO OLIVAS and POINT DEDICATED SERVICES, LLC
 (e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing.

1. Contact information for person completing case information sheet: Name: <u>Carl Weinkauff</u> Email: <u>carl@getcarl.com</u> Address: <u>4303 N Central Expy</u> Telephone: <u>(214) 368-6005</u> City/State/Zip: <u>Dallas, TX 75205</u> Fax: <u>(214) 696-0867</u> Signature: <u>[Signature]</u> State Bar No: <u>21095100</u>		Names of parties in case: Plaintiff(s)/Petitioner(s): <u>DANIEL HARGROVE</u> Defendant(s)/Respondent(s): <u>ERASMO OLIVAS</u> <u>POINT DEDICATED SERVICES, LLC</u> [Attach additional page as necessary to list all parties]		Person or entity completing sheet is: <input checked="" type="checkbox"/> Attorney for Plaintiff/Petitioner <input type="checkbox"/> Pro Se Plaintiff/Petitioner <input type="checkbox"/> Title IV-D Agency <input type="checkbox"/> Other: _____ Additional Parties in Child Support Case: Custodial Parent: _____ Non-Custodial Parent: _____ Presumed Father: _____	
2. Indicate case type, or identify the most important issue in the case (select only 1):					
<div style="display: flex; justify-content: space-between;"> Civil Family Law </div>					
Contract <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Consumer/DTPA <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Other Debt/Contract: _____ <input type="checkbox"/> Foreclosure <input type="checkbox"/> Home Equity—Expedited <input type="checkbox"/> Other Foreclosure <input type="checkbox"/> Franchise <input type="checkbox"/> Insurance <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Non-Competition <input type="checkbox"/> Partnership <input type="checkbox"/> Other Contract: _____	Injury or Damage <input type="checkbox"/> Assault/Battery <input type="checkbox"/> Construction <input type="checkbox"/> Defamation <input type="checkbox"/> Malpractice <input type="checkbox"/> Accounting <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional Liability: <input checked="" type="checkbox"/> Motor Vehicle Accident <input type="checkbox"/> Premises <input type="checkbox"/> Product Liability <input type="checkbox"/> Asbestos/Silica <input type="checkbox"/> Other Product Liability List Product: _____ <input type="checkbox"/> Other Injury or Damage: _____	Real Property <input type="checkbox"/> Eminent Domain/Condemnation <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Trespass to Try Title <input type="checkbox"/> Other Property: _____ Related to Criminal Matters <input type="checkbox"/> Expunction <input type="checkbox"/> Judgment Nisi <input type="checkbox"/> Non-Disclosure <input type="checkbox"/> Seizure/Forfeiture <input type="checkbox"/> Writ of Habeas Corpus—Pre-indictment <input type="checkbox"/> Other: _____	Marriage Relationship <input type="checkbox"/> Annulment <input type="checkbox"/> Declare Marriage Void <input type="checkbox"/> Divorce <input type="checkbox"/> With Children <input type="checkbox"/> No Children Other Family Law <input type="checkbox"/> Enforce Foreign Judgment <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Name Change <input type="checkbox"/> Protective Order <input type="checkbox"/> Removal of Disabilities of Minority <input type="checkbox"/> Other: _____	Post-judgment Actions (non-Title IV-D) <input type="checkbox"/> Enforcement <input type="checkbox"/> Modification—Custody <input type="checkbox"/> Modification—Other Title IV-D <input type="checkbox"/> Enforcement/Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Reciprocal (UIFSA) <input type="checkbox"/> Support Order Parent-Child Relationship <input type="checkbox"/> Adoption/Adoption with Termination <input type="checkbox"/> Child Protection <input type="checkbox"/> Child Support <input type="checkbox"/> Custody or Visitation <input type="checkbox"/> Gestational Parenting <input type="checkbox"/> Grandparent Access <input type="checkbox"/> Parentage/Paternity <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> Other Parent-Child: _____	
Employment <input type="checkbox"/> Discrimination <input type="checkbox"/> Retaliation <input type="checkbox"/> Termination <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Other Employment: _____	Other Civil <input type="checkbox"/> Administrative Appeal <input type="checkbox"/> Antitrust/Unfair Competition <input type="checkbox"/> Code Violations <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Intellectual Property <input type="checkbox"/> Lawyer Discipline <input type="checkbox"/> Perpetuate Testimony <input type="checkbox"/> Securities/Stock <input type="checkbox"/> Tortious Interference <input type="checkbox"/> Other: _____				
Tax <input type="checkbox"/> Tax Appraisal <input type="checkbox"/> Tax Delinquency <input type="checkbox"/> Other Tax: _____	Probate & Mental Health <div style="display: flex;"> <div style="flex: 1;"> Probate/Wills/Intestate Administration <input type="checkbox"/> Dependent Administration <input type="checkbox"/> Independent Administration <input type="checkbox"/> Other Estate Proceedings </div> <div style="flex: 1;"> <input type="checkbox"/> Guardianship—Adult <input type="checkbox"/> Guardianship—Minor <input type="checkbox"/> Mental Health <input type="checkbox"/> Other: _____ </div> </div>				
3. Indicate procedure or remedy, if applicable (may select more than 1):					
<input type="checkbox"/> Appeal from Municipal or Justice Court <input type="checkbox"/> Arbitration-related <input type="checkbox"/> Attachment <input type="checkbox"/> Bill of Review <input type="checkbox"/> Certiorari <input type="checkbox"/> Class Action		<input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Interpleader <input type="checkbox"/> License <input type="checkbox"/> Mandamus <input type="checkbox"/> Post-judgment		<input type="checkbox"/> Prejudgment Remedy <input type="checkbox"/> Protective Order <input type="checkbox"/> Receiver <input type="checkbox"/> Sequestration <input type="checkbox"/> Temporary Restraining Order/Injunction <input type="checkbox"/> Turnover	
4. Indicate damages sought (do not select if it is a family law case): <input type="checkbox"/> Less than \$100,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees <input type="checkbox"/> Less than \$100,000 and non-monetary relief <input type="checkbox"/> Over \$100,000 but not more than \$200,000 <input type="checkbox"/> Over \$200,000 but not more than \$1,000,000 <input checked="" type="checkbox"/> Over \$1,000,000					

Rev 3/13

**THE STATE OF TEXAS
CITATION**

CAUSE NO. CC-16-03531-E
COUNTY COURT AT LAW NO. 5
Dallas County, Texas

TO:

**POINT DEDICATED SERVICES, LLC
SERVE REG AGENT H & H TERMINALS LC ATTN RUBEN
LUERA
1731 CHERINGTON
EL PASO TX 79936**

"You have been sued. You may employ an attorney. If you or your Attorney do not file a WRITTEN ANSWER with the clerk who issued this citation by 10:00 A.M. on the Monday next following the expiration of twenty days after you were served this citation and PLAINTIFF'S ORIGINAL PETITION, a default judgment may be taken against you." Your answer should be addressed to the clerk of County Court at Law No. 5 of Dallas County, Texas at the Court House of said County, 600 Commerce Street, Suite 101, Dallas, Texas 75202.

DANIEL HARGROVE
Plaintiff(s)

VS.

ERASMO OLIVAS; POINT DEDICATED SERVICES, LLC
Defendant(s)

filed in said Court on the 15th day of July, 2016 a copy of which accompanies this citation.

WITNESS: JOHN F. WARREN, Clerk of the County Courts of Dallas County, Texas. GIVEN UNDER MY HAND AND SEAL OF OFFICE, at Dallas, Texas, and issued this 21st day of July, 2016 A.D.

JOHN F. WARREN, Dallas County Clerk

By Guisla Hernandez, Deputy
Guisla Hernandez



CC-10-03531-E
CIC1
ISSUE CITATION
1122202



ATTORNEY CITATION PLAINTIFF'S ORIGINAL PETITION CC-16-03531-E
IN THE COUNTY COURT OF DALLAS County Court at Law No. 5 Dallas County, Texas
DANIEL HARGROVE, <i>Plaintiff(s)</i>
VS.
ERASMO OLIVAS; POINT DEDICATED SERVICES, LLC, <i>Defendant(s)</i>
SERVE: POINT DEDICATED SERVICES, LLC SERVE REG AGENT H & H TERMINALS LC ATTN RUBEN LUERA 1731 CHERINGTON EL PASO TX 79936
ISSUED THIS 21ST DAY OF JULY, 2016
JOHN F. WARREN, COUNTY CLERK BY: GUISLA HERNANDEZ, DEPUTY
Attorney for Plaintiff CARL WILLIAM WEINKAUF 4303 N CENTRAL EXPRESSWAY DALLAS TX 75205 214-368-6005

NO OFFICER'S FEES HAVE BEEN
COLLECTED BY DALLAS COUNTY CLERK

OFFICER'S RETURN

CC-16-03531-E County Court at Law No. 5

DANIEL HARGROVE vs. ERASMO OLIVAS, POINT DEDICATED SERVICES, LLC

ADDRESS FOR SERVICE:

SERVE REG AGENT H & H TERMINALS LC ATTN: RUBEN LUERA
 1731 CHERINGTON
 EL PASO TX 79936

Fees:

Came to hand on the ____ day of _____, 20____, at ____ o'clock ____ m., and executed in _____ County, Texas by delivering to POINT DEDICATED SERVICES, LLC in person, a true copy of this Citation together with the accompanying copy of the PLAINTIFF'S ORIGINAL PETITION with the date and service at the following times and places to-wit:

Name	Date/Time	Place, Course and Distance from Courthouse
_____	_____	_____

And not executed as to the defendant(s), _____

The diligence used in finding said defendant(s) being: _____

and the cause or failure to execute this process is: _____

and the information received as to the whereabouts of said defendant(s) being: _____

Serving Petition and Copy \$ _____, Officer

Total \$ _____, County, Texas

By: _____, Deputy

_____, Affiant

**THE STATE OF TEXAS
CITATION**

CAUSE NO. CC-16-03531-E
COUNTY COURT AT LAW NO. 5
Dallas County, Texas

TO:

ERASMO OLIVAS
SERVE THROUGH ITS TEXAS TRANSPORTATION
COMMISSION
125 E 11TH STREET
AUSTIN TX 78701-2843

"You have been sued. You may employ an attorney. If you or your Attorney do not file a WRITTEN ANSWER with the clerk who issued this citation by 10:00 A.M. on the Monday next following the expiration of twenty days after you were served this citation and PLAINTIFF'S ORIGINAL PETITION, a default judgment may be taken against you." Your answer should be addressed to the clerk of County Court at Law No. 5 of Dallas County, Texas at the Court House of said County, 600 Commerce Street, Suite 101, Dallas, Texas 75202.

DANIEL HARGROVE
Plaintiff(s)

VS.

ERASMO OLIVAS; POINT DEDICATED SERVICES, LLC
Defendant(s)

filed in said Court on the 15th day of July, 2016 a copy of which accompanies this citation.

WITNESS: JOHN F. WARREN, Clerk of the County Courts of Dallas County, Texas. GIVEN UNDER MY HAND AND SEAL OF OFFICE, at Dallas, Texas, and issued this 21st day of July, 2016 A.D.

JOHN F. WARREN, Dallas County Clerk

By Guisla Hernandez, Deputy
Guisla Hernandez



CC - 16 - 03531 - E
CICI
ISSUE CITATION
1122283



NO OFFICER'S FEES HAVE BEEN
COLLECTED BY DALLAS COUNTY CLERK

ATTORNEY CITATION PLAINTIFF'S ORIGINAL PETITION CC-16-03531-E
IN THE COUNTY COURT OF DALLAS County Court at Law No. 5 Dallas County, Texas
DANIEL HARGROVE, <i>Plaintiff(s)</i>
VS.
ERASMO OLIVAS; POINT DEDICATED SERVICES, LLC, <i>Defendant(s)</i>
SERVE:
ERASMO OLIVAS SERVE THROUGH ITS TEXAS TRANSPORTATION COMMISSION 125 E 11TH STREET AUSTIN TX 78701-2843
ISSUED THIS 21ST DAY OF JULY, 2016
JOHN F. WARREN, COUNTY CLERK BY: GUISLA HERNANDEZ, DEPUTY
Attorney for Plaintiff CARL WILLIAM WEINKAUF 4303 N CENTRAL EXPRESSWAY DALLAS TX 75205 214-368-6005

OFFICER'S RETURN

CC-16-03531-E County Court at Law No. 5

DANIEL HARGROVE vs. ERASMO OLIVAS, POINT DEDICATED SERVICES, LLC

ADDRESS FOR SERVICE:
 SERVE THROUGH ITS TEXAS TRANSPORTATION COMMISSION
 125 E 11TH STREET
 AUSTIN TX 78701-2843

Fees:

Came to hand on the ____ day of _____, 20____, at ____ o'clock ____m., and executed in _____ County, Texas by delivering to ERASMO OLIVAS in person, a true copy of this Citation together with the accompanying copy of the PLAINTIFFS ORIGINAL PETITION with the date and service at the following times and places to-wit:

Name	Date/Time	Place, Course and Distance from Courthouse
_____	_____	_____

And not executed as to the defendant(s), _____

The diligence used in finding said defendant(s) being:

_____ and the cause or failure to execute this process is:

_____ and the information received as to the whereabouts of said defendant(s) being:

Serving Petition and Copy \$ _____, Officer

Total \$ _____, County, Texas

By: _____, Deputy

_____, Affiant



**JUDGE MARK GREENBERG
COUNTY COURT AT LAW NO. 5
GEORGE L ALLEN, SR. COURTS BUILDING
600 COMMERCE STREET, 5th FLOOR
DALLAS, TEXAS 75202-5792
214-653-6503**

Chambers of Mark Greenberg

July 22, 2016

CARL WILLIAM WEINKAUF
4303 N CENTRAL EXPRESSWAY
DALLAS TX 75205

Re: Cause No CC-16-03531-E

Cause Style: DANIEL HARGROVE vs. ERASMO OLIVAS, POINT DEDICATED SERVICES, LLC

Dear Attorney:

The above case is set for dismissal, pursuant to Rule 165A, Texas Rule of Civil Procedure, on: October 24, 2016 at **9:00 a.m.**

If no answer has been filed, or if the answer filed is insufficient as a matter of law to place any of the facts alleged in your petition in issue, you will be expected to have moved for, and to have had heard, a summary judgment or to have proved up a default judgment on or prior to that date. Your failure to have done so will result in the dismissal of the case on the above date.

If an answer has been filed that is sufficient to create a fact issue that prevents disposition of the entire case, or if you have been unable to obtain service of process, you should plan to notify the court to obtain a reset of the dismissal date or a trial setting as appropriate.

In no event will live witnesses be required unless the default prove-up is for an un-liquidated claim. Liquidated claims and attorneys fees may be proved up by affidavit with a form of judgment.

If you should have any questions, please feel free to call us.

Very Truly Yours,

Judge Mark Greenberg
County Court at Law No. 5
Dallas County, Texas

IF A JURY DEMAND IS REQUESTED, IT MUST BE MADE IN WRITING AND SUBMITTED WITH \$22.00 FOR THE JURY FEES TO: MR. JOHN WARREN, DALLAS COUNTY CLERK, 600 COMMERCE, #101, DALLAS, TEXAS 75202

**THE STATE OF TEXAS
CITATION**

CAUSE NO. CC-16-03531-E
COUNTY COURT AT LAW NO. 5
Dallas County, Texas

TO:

ERASMO OLIVAS
SERVE THROUGH ITS TEXAS TRANSPORTATION
COMMISSION
125 E 11TH STREET
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"You have been sued. You may employ an attorney. If you or your Attorney do not file a WRITTEN ANSWER with the clerk who issued this citation by 10:00 A.M. on the Monday next following the expiration of twenty days after you were served this citation and PLAINTIFF'S ORIGINAL PETITION, a default judgment may be taken against you." Your answer should be addressed to the clerk of County Court at Law No. 5 of Dallas County, Texas at the Court House of said County, 600 Commerce Street, Suite 101, Dallas, Texas 75202.

DANIEL HARGROVE
Plaintiff(s)

VS.

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Defendant(s)

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JOHN F. WARREN, Dallas County Clerk

By Guisla Hernandez, Deputy
Guisla Hernandez



ATTORNEY

CITATION

PLAINTIFF'S ORIGINAL PETITION

CC-16-03531-E

IN THE COUNTY COURT OF DALLAS
County Court at Law No. 5
Dallas County, Texas

DANIEL HARGROVE, *Plaintiff(s)*

VS.

ERASMO OLIVAS; POINT
DEDICATED SERVICES, LLC,
Defendant(s)

SERVE:

ERASMO OLIVAS
SERVE THROUGH ITS TEXAS
TRANSPORTATION COMMISSION
125 E 11TH STREET
AUSTIN TX 78701-2843

ISSUED THIS
21ST DAY OF JULY, 2016

JOHN F. WARREN, COUNTY CLERK
BY: GUISLA HERNANDEZ, DEPUTY

Attorney for Plaintiff

CARL WILLIAM WEINKAUF
4303 N CENTRAL EXPRESSWAY
DALLAS TX 75205
214-368-6005

NO OFFICER'S FEES HAVE BEEN
COLLECTED BY DALLAS COUNTY CLERK

CAUSE NO. CC-16-03531-E

Daniel Hergrove

Plaintiff,

VS.

ErasmO Olivas and Point Dedicated Services, LLC
Defendant

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IN THE COURT OF

COUNTY,

DALLAS COUNTY COURT AT LAW #5

AFFIDAVIT OF SERVICE

On this day personally appeared Christopher Joe Cook who, being by me duly sworn, deposed and said:

"The following came to hand on Jul 28, 2016, 1:00 pm,

CITATION WITH PLAINTIFF'S ORIGINAL PETITION,

and was executed at 125 E 11th Street, Austin, TX 78701 within the county of Travis at 02:59 PM on Thu, Jul 28 2016, by delivering a true copy to the within named

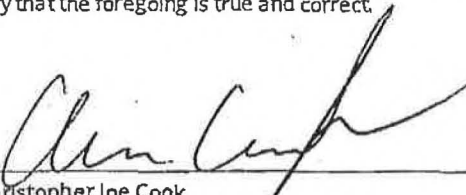
ERASMO OLIVAS THROUGH TEXAS TRANSPORTATION COMMISSION BY PERSONAL DELIVERY TO KATHERINE DULANY
REGISTERED AGENT FOR SERVICE OF PROCESS

In person, having first endorsed the date of delivery on same.

I am a person over eighteen (18) years of age and I am competent to make this affidavit. I am a resident of the State of Texas. I am familiar with the Texas Rules of Civil Procedure as they apply to service of Process. I am not a party to this suit nor related or affiliated with any herein, and have no interest in the outcome of the suit. I have never been convicted of a felony or of a misdemeanor involving moral turpitude. I have personal knowledge of the facts stated herein and they are true and correct."

My name is Christopher Joe Cook, my date of birth is 7/10/1984, and my address is P.O. Box 202672, Austin, TX 78720, and United States of America. I declare under penalty of perjury that the foregoing is true and correct.

Executed in Travis County, State of Texas, on July 28, 2016.



Christopher Joe Cook
SCH11836, Certification Expires 1/31/19

**THE STATE OF TEXAS
CITATION**

CAUSE NO. CC-16-03531-E
COUNTY COURT AT LAW NO. 5
Dallas County, Texas

TO:

POINT DEDICATED SERVICES, LLC
SERVE REG AGENT H & H TERMINALS LC ATTN RUBEN
LUERA
1731 CHERINGTON
EL PASO TX 79936

"You have been sued. You may employ an attorney. If you or your Attorney do not file a WRITTEN ANSWER with the clerk who issued this citation by 10:00 A.M. on the Monday next following the expiration of twenty days after you were served this citation and PLAINTIFF'S ORIGINAL PETITION, a default judgment may be taken against you." Your answer should be addressed to the clerk of County Court at Law No. 5 of Dallas County, Texas at the Court House of said County, 600 Commerce Street, Suite 101, Dallas, Texas 75202.

DANIEL HARGROVE
Plaintiff(s)

VS.

ERASMO OLIVAS; POINT DEDICATED SERVICES, LLC
Defendant(s)

filed in said Court on the 15th day of July, 2016 a copy of which accompanies this citation.

WITNESS: JOHN F. WARREN, Clerk of the County Courts of Dallas County, Texas. GIVEN UNDER MY HAND AND SEAL OF OFFICE, at Dallas, Texas, and issued this 21st day of July, 2016 A.D.

JOHN F. WARREN, Dallas County Clerk

By Guisla Hernandez, Deputy
Guisla Hernandez



**ATTORNEY
CITATION
PLAINTIFF'S ORIGINAL PETITION**

CC-16-03531-E

IN THE COUNTY COURT OF DALLAS
County Court at Law No. 5
Dallas County, Texas

DANIEL HARGROVE, *Plaintiff(s)*

VS.

ERASMO OLIVAS; POINT
DEDICATED SERVICES, LLC,
Defendant(s)

SERVE:
POINT DEDICATED SERVICES, LLC
SERVE REG AGENT H & H
TERMINALS LC ATTN RUBEN LUERA
1731 CHERINGTON
EL PASO TX 79936

**ISSUED THIS
21ST DAY OF JULY, 2016**

JOHN F. WARREN, COUNTY CLERK
BY: GUISLA HERNANDEZ, DEPUTY

Attorney for Plaintiff

CARL WILLIAM WEINKAUF
4303 N CENTRAL EXPRESSWAY
DALLAS TX 75205
214-368-6005

NO OFFICER'S FEES HAVE BEEN
COLLECTED BY DALLAS COUNTY CLERK

OFFICER'S RETURN

CC-16-03531-B County Court at Law No. 5

DANIEL HARGROVE vs. BRASMO OLIVAS, POINT DEDICATED SERVICES, LLC

ADDRESS FOR SERVICE:

SERVE REG AGENT H & H TERMINALS LC ATTN: RUBEN LUERA
1731 CHERINGTON
EL PASO TX 79936

Fees:

Came to hand on the 28 day of JULY, 20 16, at 4:00 clock P m., and executed in EL PASO County, Texas by delivering to POINT DEDICATED SERVICES, LLC in person, a true copy of this Citation together with the accompanying copy of the PLAINTIFF'S ORIGINAL PETITION with the date and service at the following times and places to-wit:

Name

Date/Time

Place, Course and Distance from Courthouse

Point Dedicated Services, LLC
AND RUBEN LUERA
And not executed as to the defendant(s), _____

8/9/16 9:20 AM

1731 Cherington, El Paso, TX 79936

The diligence used in finding said defendant(s) being:

and the cause or failure to execute this process is:

and the information received as to the whereabouts of said defendant(s) being:

Serving Petition and Copy \$ _____

Officer

Total \$ _____

EL PASO County, Texas

State of TEXAS
County of EL PASO

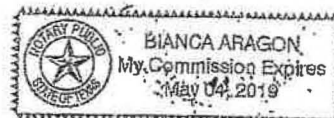
By: Cynthia NAVA Deputy SCH 3453

Cynthia Nava Affiant

This Instrument was acknowledged before me
on 9 day of Aug, 20 16 by CYNTHIA NAVA

Notary Public's Signature
My Commission Expires

May 4, 2019



CAUSE NO. CC-16-03531-E

DANIEL HARGROVE,	§	IN THE COUNTY COURT
<i>Plaintiff,</i>	§	
	§	
VS.	§	AT LAW NO. 5
	§	
ERASMO OLIVAS AND POINT	§	
DEDICATED SERVICES, LLC,	§	
<i>Defendants.</i>	§	DALLAS COUNTY, TEXAS

**DEFENDANTS ERASMO OLIVAS AND POINT DEDICATED
SERVICES, LLC'S ORIGINAL ANSWER AND REQUESTS FOR DISCLOSURE**

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW, Erasmo Olivas and Point Dedicated Services, LLC, Defendants herein, and file their Original Answer to Plaintiff's Original Petition, and in support thereof would respectfully show unto this Honorable Court as follows:

**I.
GENERAL DENIAL**

Defendants deny each and every, all and singular, the allegations contained in Plaintiff's Original Petition and demand strict proof thereof as authorized by Texas Rule of Civil Procedure 92.

**II.
AFFIRMATIVE DEFENSE AS TO LOSS OF INCOME**

By way of affirmative defense, Defendants would show that pursuant to §18.091 of the Texas Rules of Civil Practice and Remedies Code, to the extent that Plaintiff is seeking recovery of past and future lost wages, evidence of this loss must be presented by Plaintiff in the form of a net loss after reduction for income tax payments, or unpaid tax liability to any federal income tax law. Defendants further assert the protections contained in §18.091 of the Texas Rules of Civil Practice and Remedies Code.

III.
REQUEST FOR DISCLOSURE

Under Texas Rule of Procedure 194, Defendants request that Plaintiff disclose, within thirty (30) days of the service of this request, the information or material described in Rule 194.2 of the Texas Rules of Civil Procedure.

IV.
NOTICE OF INTENT TO USE DOCUMENTS PRODUCED
PURSUANT TO T.R.C.P. 193.7

Defendants place Plaintiff on notice that pursuant to TEX. R. CIV. P. 193.7, all documents produced by Plaintiff in this litigation are authenticated for use against the producing party in this case and maybe used as evidence during pre-trial procedures and at trial of this matter.

V.
PRAYER

WHEREFORE, PREMISES CONSIDERED, Defendants pray that upon final hearing hereof, Plaintiff takes nothing by way of his cause of action herein, that Defendants recover their costs herein expended and for such other and further relief, at law or in equity, to which Defendants may show itself justly entitled to receive.

Respectfully submitted,

SARGENT LAW, P.C.

By: /s/ David L. Sargent
DAVID L. SARGENT
State Bar No. 17648700
david.sargent@sargentlawtx.com

1717 Main Street, Suite 4750
Dallas, Texas 75201
(214) 749-6516 (direct – David Sargent)
(214) 749-6316 (fax – David Sargent)

ATTORNEYS FOR DEFENDANTS
ERASMO OLIVAS AND POINT
DEDICATED

CERTIFICATE OF SERVICE

The undersigned certifies that on the 26th day of August, 2016, a true and correct copy of the foregoing document was forwarded via facsimile to Carl Weinkauff & Associates, 4303 North Central Expressway, Dallas, Texas 75205, counsel for Plaintiff.

/s/ David L. Sargent
DAVID L. SARGENT

CAUSE NO. CC-16-03531-E

DANIEL HARGROVE,	§	IN THE COUNTY COURT
<i>Plaintiff,</i>	§	
	§	
VS.	§	AT LAW NO. 5
	§	
ERASMO OLIVAS AND POINT	§	
DEDICATED SERVICES, LLC,	§	
<i>Defendants.</i>	§	DALLAS COUNTY, TEXAS

**DEFENDANTS ERASMO OLIVAS AND POINT DEDICATED
SERVICES, LLC'S REQUEST FOR JURY TRIAL**

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW, Erasmo Olivas and Point Dedicated Services, LLC, Defendants herein,
and request that a jury trial be held on said cause. A jury fee has been paid by the Defendants.

Respectfully submitted,

SARGENT LAW, P.C.

By: /s/ David L. Sargent

DAVID L. SARGENT

State Bar No. 17648700

david.sargent@sargentlawtx.com

1717 Main Street, Suite 4750

Dallas, Texas 75201

(214) 749-6516 (direct – David Sargent)

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ATTORNEYS FOR DEFENDANTS

ERASMO OLIVAS AND POINT

DEDICATED

CERTIFICATE OF SERVICE

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/s/ David L. Sargent
DAVID L. SARGENT